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FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
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LISA MATZ
Clerk

August 31, 2017

Lisa Matz, Clerk of the Court
Fifth Court of Appeals
600 Commerce Street Suite 200
Dallas, TX 75202-4658
ATTN: Claudia

RE: *In re: Collin County, Texas, and County Commissioners*,
Nos. 05-17-00634-CV; 05-17-00635-CV; 05-17-00636-CV
Opinion Delivered and Mandamus Relief Granted August 21, 2017

Dear Claudia:

Pursuant to our telephone conversation this afternoon, I am filing this letter to notify the Court and opposing counsel that I am seeking a temporary stay of the order issued by the Court granting mandamus relief in the above-styled and numbered matters directing the Honorable George Gallagher to vacate the Second Order on Payment of Attorneys Fees to Attorneys Pro Tem on or before September 20, 2017. I believe that the facts and circumstances that follow warrant such a temporary stay.

As the Court knows, the devastation suffered by the City of Houston and Harris County in the wake of Tropical Storm Harvey was unprecedented. As I understand it in an email I received a few days ago, as a result of this once-in-a-lifetime event, the Supreme Court and the Court

of Criminal Appeals have issued orders suspending deadlines in all pending appellate matters until September 27, 2017, and beyond, depending on the facts and circumstances of each case. As a result of the unparalleled destruction and damage inflicted by Harvey, my office building, the Lyric Center, situated at 440 Louisiana, lost all power and will, according to the building management, be closed to all tenants indefinitely.

As soon as I am able to physically return to my office, I will be filing an original writ of mandamus in the Court of Criminal Appeals seeking to vacate the August 21, 2017 decision of this Court. I will also be filing an appearance of lead counsel in the Court of Criminal Appeals on behalf of myself, Kent Schaffer, and Nicole DeBorde, the Attorneys Pro Tem, taking over management of this case from our former lawyer, David Feldman. While I intend to draft and file our writ of mandamus as soon as I can, once I am back in my office, I am asking this Court, in lieu of my situation, to grant my request and issue a temporary stay of its order as alluded to above. I will immediately notify the Court and opposing counsel as soon as I am able to return to my office.

I am today serving a copy of this letter on all opposing counsel, and counsel for the Real Party in Interest, Warren Kenneth Paxton Jr. Thank you for your attention to this important matter. I may be reached on my cell phone at 713.826.1215 if the court has any questions.

Sincerely yours,

/s/ **BRIAN W. WICE**
BRIAN W. WICE
ATTORNEY PRO TEM
COLLIN COLLIN, TEXAS

cc: all Counsel via e-filing